

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**RUTH SMITH**, individually and on behalf of  
all others similarly situated,

*Plaintiff,*

*v.*

Case No. 1:22-cv-00081 (LMB/WEF)

**SUNPATH, LTD.**, a Massachusetts corporation,

*Defendant.*

**DEFENDANT SUNPATH, LTD.'S MOTION FOR SUMMARY JUDGMENT**

Defendant SunPath, Ltd., by counsel and pursuant to Federal Rule of Civil Procedure 56 and Local Civil Rules 7 and 56, respectfully submits this Motion for Summary Judgment seeking dismissal of Counts II and III of Plaintiff's Complaint, ECF No. 1, alleging violations of the Virginia Telephone Privacy Protection Act.<sup>1</sup> The grounds for this Motion are more fully articulated in the Memorandum in Support of this Motion, filed contemporaneously herewith.

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<sup>1</sup> Plaintiff has informed SunPath she no longer intends to proceed with any claims under Count I for alleged violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, and will be dismissing Count I and proceeding solely on claims relating to Counts II and III of the Complaint, concerning alleged violations of the Virginia Telephone Privacy Protection Act. Accordingly, the Court's decision to grant this Motion for Summary Judgment would dispose of Plaintiff's claims in their entirety.

Dated December 23, 2022

Respectfully submitted,  
SUNPATH, LTD.

By Counsel

/s/ Gregory M. Caffas

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*Counsel for SunPath, Ltd.*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the above and foregoing Defendant SunPath, Ltd.'s Motion for Summary Judgment to be served upon counsel of record in this case via the U.S. District Court CM/ECF System on December 23, 2022.

*/s/ Gregory M. Caffas*

Gregory M. Caffas